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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,378	03/12/2004	William Chenevich	055555-0233	7289

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EXAMINER
TIMBLIN, ROBERT M

ART UNIT	PAPER NUMBER
2167	

MAIL DATE	DELIVERY MODE
06/29/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Advisory Action	10/799,378	CHENEVICH ET AL.
Before the Filing of an Appeal Brief	Examiner	Art Unit
	ROBERT TIMBLIN	2167

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>17 June 2009</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

    a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.

    b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

        Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because
    (a)☒ They raise new issues that would require further consideration and/or search (see NOTE below);
    (b)☐ They raise the issue of new matter (see NOTE below);
    (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
    (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.
        NOTE: *See Continuation Sheet.* (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
    The status of the claim(s) is (or will be) as follows:
    Claim(s) allowed: _____.
    Claim(s) objected to: _____.
    Claim(s) rejected: *1-3,6-12 and 14*.
    Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
    <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.

13. ☐ Other: _____.

/John R. Cottingham/	/ROBERT TIMBLIN/
Supervisory Patent Examiner, Art Unit 2167	Examiner, Art Unit 2167

Continuation of 3. NOTE: Amended claim 6 including the automatic association with the created folder using pre-established criteria that includes merchant categories would require further search and/or consideration. Examiner submits that the objection to claim 6 would be withdrawn if entered; however, the scope of claim 6 has been altered from the finally rejected claims and thus would require further search and/or consideration.

Continuation of 11. does NOT place the application in condition for allowance because:

Applicant disagrees on page 6 that Kumar teaches "automatically and without human intervention associat[ing] the financial document with the created folder based on the received user selected filing preferences so that the financial document is included in the created folder in the online environment hosted at the second system."
The Examiner respectfully disagrees and asserts that Fallon was relied upon to teach the automatic associating of the financial document with the created folder (see final Office Action dated 4/17/2009, page 3). Examiner further submits that Fallon teaches the claimed automatic association in paragraph 0031 wherein the system organizes the information into various categories (i.e. folders).
Examiner further maintains that Kumar explictly teaches a user creating categories (which may be seen as folders) and a system that automatically organizes transactions (i.e. financial documents). As such, Examiner submits that Kumar teaches automatically filing transactions into created categories (i.e. folders) according to user preference.

Examiner respectfully submits that Applicant incorrectly characterizes the Kumar reference by stating in light of Kumar's Column 39, lines 8-17, "[Thus,] Kumar describes sorting transactions based on categories" (page 6, last two lines). On the contrary, Kumar recites (in col. 39 line 13-15) "When new transactions occur, they are automatically categorized according to user preference." Thus, rather than "sorting based on categories" as alleged by Applicant using Kumar's Column 39 lines 8-17, Kumar categorizes according to user preference.

Applicant further provides a screenshot of Kumar's figure 21 and a paragraph relating to figure 18 (response, page 7) and then states "Sorting and displaying a transaction in a transaction history based on a category code is clearly distinct from "associating the financial document with the created folder based on the received user selected filing preferences...'" Examiner respectfully disagrees and maintains that Kumar teaches automatically filing according to user preferences (see above paragraph), which is required by the claim. Examiner further submits that sorting and displaying based on categories is a process that occurs after the transactions are filed into categories. In other words, according to Kumar, when new transactions occur, they are automatically categorized according to user preference (col. 39 lines 10-17). Thus, the transactions are first [automatically] associated with a category in order to be effectively sorted and displayed. Further, Examiner submits that selecting a view in Kumar's system (e.g. fig. 21 drawing reference 329) describes transactions in a folder. That is, for example, a user selecting a view based on "Entertainment" would be presented with a display according to the format dictated by the option selected (see Kumar, col. 40, lines 20-36). Thus, in this example, the "Entertainment" category serves as a folder for Entertainment transactions. Lastly, Examiner submits that one of ordinary skill in the art would recognize a category as a folder in that both effectively contain a group of files bearing a relationship. However, even if it can be persuasively argued that a category cannot be a folder, Examiner submits that the Shutt reference disclsoses this feature (e.g. Final Office Action, page 4).

Lastly, Applicant argues that Kumar further does not search acrosss folders, but instead sorts rows in a transaction history based on categories. In response, Examiner submits that Fallon was relied upon for this feature (see Final Office Action, page 7), rather than Kumar, and therefore this argument is moot. Examiner maintains that Kumar teaches the automatic association as claimed.

In light of the foregoing, Examiner submits that all arguments are found unpersuasive and the finality of the prior office action will be maintained.